

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

KELVIN DWIGHT LEWIS,

Plaintiff,

v.

LSG SKY CHEFS,

Defendant.

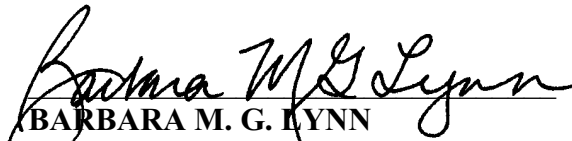
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Civil Action No. 3:14-CV-3107-M-BN

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Having now considered the Defendant's Objections to the Findings, Conclusions and Recommendations, the Court Accepts the Findings, Conclusions and Recommendation and dismisses with prejudice Plaintiff's claim of discrimination regarding bidding on a particular shift; but not his claim for termination on the basis of race. To the extent Plaintiff raises state law claims for termination and defamation, Defendant first raised those issues in its reply, not in its original motion, and therefore they will not be considered by the Court. *See, Johnson v. Wells Fargo Bank*, 999 F.Supp. 2d 919, 934-35 (N.D. Tex. 2014). To the extent those claims were in fact asserted by Plaintiff, they survive Defendant's Motion to Dismiss.

SO ORDERED this 14th day of April, 2015.


BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS